

1419

2 SHIRLEY V. REMMERT, PRO SE
3 990 Berkeley Avenue
4 Menlo Park, CA 94025
5 Tel: 650-921-8820
6 Message: 650-521-0571

FILED
8 APR 15 PM 12:27
CLERK'S OFFICE, NORTHERN DISTRICT COURT
OF CALIFORNIA
FEDERAL BUREAU OF INVESTIGATION

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 San Francisco

11 Shirley V. Remmert,
12 Plaintiff,

13 PLAINTIFF'S NOTICE OF
14 CORRECTION TO MOTION TO
15 CONSOLIDATE

16 v.

17 CASE NO. C-08-1644 CRB
18 NO. C-08-1645 CRB

19 45

20 James P. Fox, District Attorney
21 Of San Mateo County et al.,
22 Respondents.

23 I, Plaintiff Shirley V. Remmert, request correction of my error in my motion to
24 consolidate filed on April 7, 2008.

25 The corrections are on pages 3, 6, and Proposed Order: p. 1-of-1 (Attached).

26 If consolidation is granted, the lead case should be C-08-1645 CRB.

27 Thank you.

28 DATE: *April 13, 2008*

29 *Shirley V. Remmert*
30 Plaintiff

Exhibit A

1401

ORIGINAL
FILED
08 APR -7 PM 4:07
RICHARD W. WILKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHIRLEY V. REMMERT, PRO SE
990 Berkeley Avenue
Menlo Park, CA 94025
Tel: 650-921-8820
Message: 650-521-0571

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco

12 Shirley V. Remmert,
13 Plaintiff,

PLAINTIFF'S NOTICE OF MOTION AND
MOTION TO CONSOLIDATE/

14 v.

MEMORANDUM/ PROPOSED ORDER
RE PETITIONS FOR WRIT OF HABEAS
CORPUS

17 CASE NO.: C-08-1644 CRB

18 James P. Fox, District Attorney
19 Of San Mateo County et al.,
20 Defendants

C-08-1645 CRB

21 UNDER SUBMISSION TO THE COURT

22 HON. CHARLES R. BREYER

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7 NOTICE TO ALL PARTIES AND ATTORNEYS OF RECORD:

8 I, Plaintiff Shirley V. Remmert, hereby give notice of a motion and motion to
9 consolidate two petitions for writ of habeas corpus: No. C-08-1644 CRB and C-08-1645
10 CRB filed pursuant to court order of March 20, 2008. The corresponding Superior Court
11 Case numbers are SM340531A and SM351187, respectively.

12 The grounds for this motion are the facts showing that the petitions have in
13 common the same facts, evidence, defenses, and claims of injuries sustained by family
14 members. To hear the petitions separately will not do justice to the individual petitioner.

15 This motion is based on the pleadings and papers on file in this action, the
16 attached memorandum, and proposed order.

17 I request that the court take this matter under submission.

18
19
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21
22 MEMORANDUM IN SUPPORT OF MOTION TO CONSOLIDATE

23 I request that the court consolidate the above petitions and any motions or other
24 filed documents, and pleadings applicable to them.

1 A. Introduction2 1. I am the plaintiff. The respondents are Charles P. Fox (District Attorney of San
3 Mateo County) and Jerry Brown (Attorney General of the State of California).4 2. In the criminal action of the Superior Court of San Mateo County (No.
5 SM340531A), I was convicted of a three-count misdemeanor for harm to a dependent
6 and violation of a restraining order. In Case No. SM 351187, I was convicted of a
7 second-time violation of a restraining order and probation violation.8 3. In this petition, I am asking the court to overturn the convictions in both cases or
9 declare a mistrial.10 4. The facts in this case are both similar and substantially related to the subject
11 matter of conservatorship in the proposed lead case No. SM340531A (now No. C-08-
12 1645). The issue in that case is whether the conservatorship orders were legally
13 issued. If the conservatorship orders were not legally issued, the restraining orders,
14 Family Court order permanently banning visits with Eva Al-Z.'s minor son, and
15 convictions in Cases No. SM340531A and SM351187 should be overturned or vacated.
16 Those orders and convictions have been a death knell for our civil rights and a
17 catastrophic blow on our family business.

1 5. I ask the court to consolidate the petitions for writ of habeas corpus.

2 B. Argument

3 6. A court may consolidate lawsuits if the suits relate to substantially the same
4 subject matter and if consolidation does not result in delay, jury confusion, or prejudice to
5 the parties. *See Hendrix v. Raybestos-Manhattan, Inc.*, 776 F.2d 1492, 1495-96 & n.6
6 (11th Cir. 1985).

7 7. This petitions and any pleadings pertaining to them are substantially the same,
8 because they all involve the subject matter of the grounds for conservatorship orders and
9 similar factual and legal issues; that is, whether the conservatorship orders can reasonably
10 justify the total deprivation of civil rights through any related order.

11 8. The suits proposed to be consolidated are pending before this court for all
12 purposes. The court should consolidate the petitions for writ of habeas corpus
13 on the following grounds:

14 a. The proceedings involve common parties, as we are all family members
15 and all affected by the above orders and convictions that allegedly violated our rights.

16 b. The proceedings involve common issues of law; that is, whether the
17 conservatorship order was legally issued for the purpose of justifying restraints on our
18 civil liberty;

19 c. The proceedings involve common issues of fact, such as
20 A time and place of a crime incident is common to all of us, as we were all
21 present at my rescue attempt which triggered the retaliatory abuses, including alleged
22

1 judicial abuse, on the part of county workers.

2 We are a single family residing together and incorporated together.

3 The same county employees cooperate to conserve and

4 criminalize the petitioners. Therefore, discovery applies to all petitioners.

5 Our private defenders working against us shows a pattern of abuse in the
6 railroading into conservatorship and convictions.

7 The same methods of physical abuse and mental abuse sustained by
8 petitioners are being employed by county employees through forced drugging by
9 psychiatrists, isolation, and forcing me to watch my mother and my daughter suffer.

10 d. Consolidation will eliminate any risk of prejudice or confusion. If such a
11 risk exists, it is outweighed by the risk of inconsistent adjudication of common factual
12 and legal issues. (*Cantrell v. GAF Corp.*, 999 f. 2d 1007, 1011 (6th Cir. 1993). It is
13 important for the court to recognize a pattern of false statements, intimidation, and a
14 mission to isolate the petitioners from one another as stated in the medical and court
15 records by adversaries. A possible RICO pattern can only be detected by consolidating
16 the petitions in one unified cause of action.

17 e. Consolidation will not result in an unfair advantage.

18 f. Consolidation will conserve judicial resources. I want to avoid multiple
19 subpoenas for the same witness and multiple requests for documents in different courts.

20 g. Consolidation will reduce the time and expense of trying the actions
21 separately.

1 C. Conclusion
2

3 For the above reasons, I ask the court to consolidate the petitions for writ of
4 habeas corpus (No. C-08-1644 CRB and No. C-08-1645 CRB) and to assign the
5 *1645*
6 consolidated case with the Number C-08-1644 CRB.

7 DATE: *April 2, 2008*
8

9 Respectfully Submitted By:
10

11 *Darley V. Remmer*
12 Plaintiff

1
2 SHIRLEY V. REMMERT, PRO SE
3 990 Berkeley Avenue
4 Menlo Park, CA 94025
5 Tel: 650-921-8820
6 Message: 65-521-0571

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9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 Shirley V. Remmert,
13 Plaintiff,
14 v.

15 [PROPOSED] ORDER GRANTING
16 PLAINTIFF'S MOTION FOR
17 CONSOLIDATION RE PETITION
18 FOR WRIT OF HABEAS CORPUS

19 Charles P. Fox,
20 District Attorney
21 Of the State of California;

22 CASE NO. C-08-1644 CRB;
23 C-08-1645 CRB

24 Jerry Brown,
25 Attorney General
26 Of the State of California,
27 Respondents

28 Having considered Plaintiff Shirley V. Remmert's motion for consolidation and
the opposing argument, the Court GRANTS the plaintiff's motion. The Clerk of the
Court is directed to consolidate or merge the above petitions for writ of habeas corpus as
one petition under Case No. C-08-~~1644~~¹⁶⁴⁵ CRB.

SIGNED on _____

JUDGE OF THE U. S. DISTRICT COURT

CERTIFICATE OF SERVICE

I hereby certify that I caused the within documents:

**PLAINTIFF'S NOTICE OF MOTION AND MOTION TO CONSOLIDATE/
MEMORANDUM/ PROPOSED ORDER/ RE PETITIONS FOR WRIT OF
HABEAS CORPUS**

Superior Court Case No.

Bankruptcy Court Case No. / Adversarial Complaint No.:

United States District Court Case No.: **C-08-1644 CRB; C-08-1645 CRB**

to be served on the party(ies) in this action:

1. **James P. Fox, San Mateo County District Attorney; 400 County Center, Redwood City, CA 94063; Tel: 650-363-4636; Fax: 650-363-4873;**

2. **Jerry Brown, State of California Attorney General, 1300 I - Street, Sacramento, CA 95814**

(By Personal Service). I, **Shirley V. Remmert**, caused each such envelope to be delivered by hand on the date below to the person or offices of each addressee (**No. 1**) indicated by the corresponding number or symbol on the following page or above.

(By First-Class Mail, in the U. S. Post Office), I, **A. Garcia**, caused each such envelope to be mailed on the date below in the U.S. Post Office in Menlo Park to each addressee (**No. 2**) indicated by the corresponding number on the continued page or above.
I, Arturo Garcia, am a self-employed agent over 18 years of age and I am not a party in this case. My business address is 21 Coleman Place, Menlo Park, CA 94025.

(By Facsimile), I caused each such document to be sent by facsimile to the person or offices of each addressee indicated by a said symbol.

(By Telephone), I gave a notice to a person or answering machine. The particulars are as follows:

I declare that the above statements are true under the penalties for perjury of the federal laws.

April 3, 2008

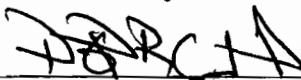
Date

4.2.08

Date

Shirley V. Remmert

Shirley V. Remmert



A. Garcia